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अण्डमान एवं निकोबार प्रशासन  
ANDAMAN AND NICOBAR ADMINISTRATION  
सचिवालय/SECRETARIAT  
पोर्ट ब्लेयर/PORT BLAIR

**NOTIFICATION**

Port Blair, dated the 26<sup>th</sup> August, 2010

No. 284/2010/F.No.1-1/EC/2006-D.III.— In pursuance of the order dated 8/04/2008 passed by Hon'ble High Court of Calcutta, Circuit Bench at Port Blair in WP No. 71 of 2008 (Shri Agapit Kujur & Others – Vs – UOI & Others) read with approval of Govt. of India, Ministry of HRD, New Delhi communicated vide letter No. 1-2/08-UT(I) dated 29/06/2009 and 17/07/2009, the Lt. Governor (Administrator), A & N Islands hereby makes the following Rules in respect of extension of benefits of CCS (Pension) Rules, 1972 and GPF (CF) Rules, 1960 as amended from time to time to the employees and those who retire on or after 26/11/1992 of the aided schools i.e. Nirmala Senior Secondary School, Port Blair and Muslim Education Society Senior Secondary School, Stewertgunj, South Andaman as under :-

**1. GENERAL**

The scale of pay and allowances, medical facilities, pension, gratuity, provident fund and other prescribed benefits of the employees of a recognized Govt. aided school shall not be less than those of the employees of the corresponding status in schools run by the appropriate authority.

The Administration shall specify the detailed procedure for accounting of provident fund and payment of pension and gratuity to the employees of the aided schools. In order to implement the provisions referred to above the detailed procedure is prescribed hereafter. In regard to matters not specified in the procedure the provisions of the Central Civil Services (Pension) Rules, 1972 and GPF Rules, 1960 as amended from time to time and provisions of other relevant Act/Rules i.e. Pension Act, 1871, Central Civil Services (Commutation of Pension) Rules, 1981, Payment of Arrears of Pension (Nomination) Rules, 1983 etc. will apply.

The employees of the aided schools shall be entitled to pension and/or gratuity in accordance with the provisions and procedure applicable to the employees of the similar categories of Andaman and Nicobar Administration under the existing pension rules as contained in the Central Civil Services (Pension) Rules, 1972, as amended from time to time. These rules shall be applicable to all existing employees and those who retired on or after 26.11.1992 of the two aided schools i.e. Nirmala Senior Secondary School, Port Blair and Muslim Education Society Senior Secondary School, Azad Nagar, Stewertgunj, subject to the condition that the employees recruited on or after 01.01.2004 would be covered under New Pension Scheme, and those recruited on or before 31.12.2003 and retired on or after 26.11.1992 and who opt for the Pension & Gratuity in the prescribed proforma within 90 days of issue of this Notification would be covered under the CCS (Pension) Rules, 1972.

## **2. APPLICATION FORM AND GRANT OF PENSION**

The rules relating to preparation of pension papers and application forms at present in vogue for pension purposes for regular Govt. employees shall be adopted in the case of employees of aided schools also. Every serving employee of the aided school shall submit the duly filled in prescribed forms as per CCS (Pension) Rules, 1972 to the Manager of concerned school for onward submission to the Director of Education or any other officer authorized by him for preparation of pension papers at least eight months in advance of the date on which the Govt. servant is due to attain the age of superannuation or the date of anticipated retirement.

On receipt of pension papers, the concerned branch of the Directorate of Education, A & N Administration shall scrutinize pension papers under the rules and process the case at all the stages. The Accounting and Audit functions relating to grant of pension/death-cum-retirement gratuity shall rest with the *Director of Accounts and Budget*, A&N Islands, Port Blair (the Accounts Officer/PAO). The pension case of the employee shall be duly attested and countersigned by the Head of Office of Directorate of Education. The Director of Education shall then forward the same to the Pay and Accounts Officer II, CPAO, A&N Islands, Port Blair who shall apply necessary checks to issue authorization of Pension and Gratuity to the employees of the concerned aided schools.

## **3. SERVICE RECORDS**

For every employee/principal of an aided school, a service book in the form prescribed as per Rule 257 of GFR for Gazetted/Non-Gazetted Central Government servants shall be maintained. In the service book, all those facts in the career of the employee/principal shall be recorded which have a bearing on pay, promotion, leave, suspension etc. and each entry shall be attested by a Manager/Disbursement Drawing Officer of the concerned school.

## **4. QUALIFYING SERVICE**

1. The service of an employee does not qualify for pension till he/she attains 18 years of age. In other cases, unless it be otherwise provided, by special rule or contract, the service of an employee begins when he takes charge of the post to which he is first appointed.
2. The service of an employee shall not qualify for pension unless it complies with the following two additional conditions :-
  - a) The service is under the management of aided school under the control of the Director of Education, A&N Islands, Port Blair.
  - and
  - b) The person has been recruited on regular basis against the sanctioned post.
3. The service of an employee shall not qualify for pension/or gratuity unless his appointment is in conformity with the rules and procedures prescribed by Govt. of India, A&N Administration from time to time.
4. Service in a post on, or the period for, which no grant-in-aid is admissible from the Directorate of Education, A&N Islands, Port Blair shall not qualify.
5. Temporary and officiating service in a school followed (without unauthorized interruption) by confirmation in the same or another post shall count as qualifying service except service in non-pensionable establishment e.g. work charged establishment and service paid from contingencies etc.
6. Suspension allowed to stand as a specific penalty, overstayed of joining time or leave not subsequently regularized and periods of break shall not be reckoned as qualifying service.
7. Leave with allowances and all extraordinary leave granted on medical certificate shall be allowed to count as qualifying service provided that in the case of extraordinary leave other than extraordinary leave granted on medical certificate, the competent authority may, at the time of granting

such leave allow the period of that leave to count as qualifying service, if such leave is granted to an employee :-

(i) Due to his inability to join or rejoin duty on account of civil commotion;

or

(ii) For prosecuting of higher scientific and technical studies related to his/her profession.

8. The service rendered under the various management of Govt. aided schools in the Union Territory of A&N Islands shall qualify provided there is no break in service and the transfer/shift from one school/management to the other has been made with the prior approval of the Director of Education, A&N Islands, Port Blair.

## **5. CONDONATION OF INTERRUPTIONS**

Upon such conditions as he may think fit in each case to impose, the Director of Education of the Union Territory of A&N Islands may condone all interruptions in the service of an employee, subject to the following further conditions :-

- (i) The interruptions should have been caused by reasons beyond the control of the employee concerned.
- (ii) Qualifying service preceding the interruptions should not be less than of five years duration.
- (iii) The interruptions should not be of more than one year duration. In cases where there are two or more interruptions the total period of all the interruptions that may be condoned should not exceed one year.

In General, the Central Civil Services (Pension) Rules, 1972 shall be applied wherever necessary and relevant.

## **6. GENERAL PROVIDENT FUND**

The existing employees who have been appointed on or before 31.12.2003 and who opt for these pension rules shall contribute at the minimum rate of 6%, or such other rate as may be prescribed from time to time, of pay i.e. amount drawn monthly by an employee as pay, special pay, personal pay or any other emoluments defined as pay. An employee can however, subscribe voluntarily at a higher rate, but not more than the total pay. There will be no contribution by the management in the said fund with effect from the date of issue of this Notification.

## **7. MANAGEMENT'S CONTRIBUTION TOWARDS PENSION AND GRATUITY**

The management shall continue to contribute monthly at the rate of 10% of which 95% shall be from GIA share and 5% from Management share, of the pay as defined in rule 6 for those employees who will be governed by these rules and the same shall be credited to the Consolidated Fund of India, towards pension and gratuity benefits as envisaged therein.

## **8. NEW PENSION SCHEME**

This scheme is applicable to all new entrants joining service in aided schools on or after 01.01.2004. The aided school manager concerned shall be registered with the Central Record Keeping Agency, NSDL, Mumbai as Nodal Officer. The CRA, NSDL would register the aided school and allot Permanent Retirement Account Numbers (PRAN) to the employees on the basis of the physical form in the prescribed format submitted by the individual employee through the Nodal Officer. The NPS Scheme works on define Contribution basis and it has two tiers Tier-I and Tier-II. Under Tier-I employee will have to make a contribution of 10% of his/her basic pay plus DA which will be deducted from his salary every month by the aided schools. The manager of the aided schools will make equal matching contribution i.e. 10% of which 95% shall be from Grant-in-Aid share and 5% from management share. Tier-II will be optional and at the discretion of the employee. The POP-SP, Point of Presence – Service Provider assistance shall be obtained to implement the New Pension Scheme in aided schools. The fund manager details and bank to which the NPS subscription fund is to be remitted shall be decided in consultation with the CRA, NSDI, Mumbai and PFRDA, New Delhi.

In case of the existing employees governed by the Contributory Provident Fund/Triple Benefit Scheme who elect to be governed by these rules, the management's share of Contributory Provident Fund contribution from the date of admittance to the Fund with interest thereon upto the date of switch over to these rules, shall be credited to the Consolidated Fund of India. The employees subscription together with interest thereon on that date, in the Contributory Provident Fund shall be converted into a General Provident Fund Account to which they shall subscribe from the date of switch over as per Clause 6.

9. In case of an employee who elects to be governed by the Pension Rules, the management's contributions with interest therein standing to his credit in the Employees Provident Fund shall be credited to the concerned Govt. Account. The employee's subscription together with interest thereon in the Fund shall be transferred to his/her General Provident Fund account which shall be required to be opened and to which he/she shall subscribe under the Rules of the General Provident Fund.

Lt. General (Retd.) Bhopinder Singh, PVSM, AVSM  
Lieutenant Governor,  
Andaman & Nicobar Islands.

By order and in the name of the Lieutenant Governor,

Sd./-  
**(Ram Bhawan)**  
Assistant Secretary (Edn.)

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**INSTRUCTIONS FOR FILLING UP THE OPTION FORM FOR PENSION AND GRATUITY**

The following instructions may be read carefully by all concerned before filling up option form:

1. All advantages and disadvantages in the existing Employees Provident Fund and the Contributory Provident Fund as contained in the Central Civil Services (Pension) Rules, 1972 and GPF Rules, 1960 as amplified or amended from time to time and as applicable to the employees of the same category of Govt. Schools should be carefully gone into before filling up the form.
2. The provisions contained in the Delhi Education Act (Rules), 1973 should also be borne in mind.
3. The option should be exercised within 3 months from the date of publication of this procedure and the option once exercised shall be treated as final. In case no option is received by the said date, the option shall be deemed for the existing scheme of Employees Provident Fund/Contributory Provident Fund, whichever applicable to him.

In the case of a person who died after the coming into force of the provision of the Delhi Education Rules, 1973, the option will be deemed to have been exercised for the benefits which are more advantageous to the family of the deceased.

4. All employees of the school shall submit their option to the Manager who shall examine them carefully to ensure that they are in order and forward them to the Directorate of Education for final acceptance and countersignature. After admittance of the option by the Directorate of Education, an entry shall be made in the Service Book of the employee recording the Pension/Provident Fund Scheme which he opts and the form of option be pasted in the service book properly.

The employees/principals opting for the scheme shall fill up and submit their death-cum-retirement, gratuity nomination forms as prescribed in the Liberalized Pension Rules. It shall be the duty of the Manager to keep a proper record (in the service book) of the options received and their disposal.

5. It shall be the duty of the individual employee to ensure to receive the acknowledgement from the Officer concerned of his options form having been received and admitted by him.

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